REMARKS

Claims 1-24 are now pending in this application, with claims 1, 8, 13 and 18 being independent. Claims 1, 8, 13, 18 and 24 have been amended. Favorable reconsideration and allowance are respectfully requested.

The Title of the Invention has been objected to as being non-descriptive. Applicants have amended the Title, and removal of the objection is respectfully requested.

The claims have been objected to for various informalities. Applicants have amended the claims to overcome the objections, and their removal is respectfully requested.

Claim 13 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, specifically as being directed to a computer program. Without conceding the propriety of the rejection and solely to expedite prosecution, claim 13 has been amended to recite "A computer-readable medium having stored thereon computer code executable on a server operable to run a prize redemption program in which a consumer has previously been provided with a product, the label of which includes an identification code, which when executed on the server performs the steps of," as suggested by the Examiner. Applicants respectfully submit that claim 13 is in full compliance with Section 101, and respectfully request the Examiner to remove the rejection.

Claims 1-24 were rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 6,443,843 (Walker et al); and claims 1, 3, 5-8, 10-13, 15-18, 20 and 22-24 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,585,369 (Lieberman). These rejections are respectfully traversed.

As recited in independent claim 1, the present invention relates to a method of administering a promotional contest. The method includes the steps of providing a consumer a product that bears on its label an identification (ID) code, enabling the consumer to input the ID code into a prize redemption system, validating the ID code, and determining whether the consumer is entitled to receive a prize on the basis of the ID code.

Independent claim 8 relates to a server operable to run a prize redemption program. Independent claim 13 relates to a computer-readable medium have executable code stored thereon. Independent claim 18 relates to an apparatus for administering a

promotional contest. All of those claims recite salient features discussed above with respect to claim 1, namely providing a consumer a product the label of which bears an ID code, enabling the consumer to input the ID code and determining whether the consumer is entitled to receive a prize on the basis of the ID code. These features are neither taught nor suggested by the prior art.

Speaking generally, Walker relates to a method that allows a customer to in essence gamble for a product of his choosing. The customer selects a product and pays a game fee. Then, the outcome of the game is determined. If the customer wins the game, the product is provided, and if the customer loses, a portion of the game fee is credited to the purchase of the product. Games that are mentioned in Walker include slot machine games and lottery-type games. A conventional Universal Product Code (UPC) is used in Walker to identify the type of product that the customer selects, but is not used to determine whether the game was won or lost.

The Examiner contends that Walker does teach using the UPC to determine if the customer is entitled to receive a prize, relying chiefly on the col. 20, lines 42-45 of Walker which read as follows:

> If it is determined that the received product identifier is represented in the retrieved outcome information, it is determined in step S1116 whether a "win" outcome is associated with the received product identifier.

Applicants respectfully disagree.

In Walker, the customer selects a product and indicates a desire to play a game for that product. The bar code may be read off the package of the selected product to identify it. *See* col. 13:43-48 ("The customer may use a hand-held device owned by the customer or provided by a retailer to scan a product bar code on a product, in which case a product identifier extracted from the bar code and transmitted to the retailer controller 100 is received in step S810 as a selection of the product"). That bar code is used to identify the product, but it is not used to determine if the customer wins. Rather, a game is played to make that determination. *See* col. 14: 21-22 ("Next, in step S830, a game which will be played for the selected product is defined"). *See also* col. 16: 32-34 ("The defined game is

executed in step S850 and it is determined in step S860 whether the outcome of the game was a winning outcome").

If the customer wins the game, a database record is created that indicates that the customer has won the selected product. *See* col. 16: 44-49 ("For example, a record of the database 700 associated with the customer (by virtue of the customer identifier 710) is created including a product identifier 720 identifying the selected product, a 'win' outcome 730 and a fee paid 740 equal to the fee received in step S840"). Thus, as is plain from Walker, after the outcome of the game is determined, that outcome is associated with the product identifier. This is markfully different from the present invention, in which the ID code is used to determine whether the customer is entitled to receive a prize.

The portion of Walker cited by the Examiner relates to Fig. 11, which describes as customer "checkout process." By the time the checkout process is carried-out, it has already been determined whether the customer has won or lost the game. In the col. 20: 42-45 passage cited by the Examiner, a determination is made as to whether a game has been won with respect a product being checked-out, by determining whether the product identifier is associated with a win outcome. But this exercise is by no means an exercise to determine whether the customer is entitled to receive a prize based on the basis of an ID code input by the consumer. That determination would have already been made by the playing of a game that bears no relation to the UPC, or any other ID code.

The situation is similar with respect to Lieberman. In Lieberman, a potential participant is provided with a so-called written entry form, which contains an advertisement of a product which the game sponsor seeks to promote, the rules of the game and a "laser-scannable imprinted bar code (shown at (3) on FIG. 4), which uniquely identifies the product which is the object of the promotion." Col. 6: 24-26. The form also instructs the potential participant to enter the UPC for the product on the form, to encourage the participant to seek out, view and handle the product that the game seeks to promote. Col. 6:2-30 and 41-47. Entry forms are then simply selected by chance to determine winners. Thus, the UPC is not used to determine the winners at all.

Applicants also respectfully disagree with the Office Action's conclusion that a UPC could be used to determine whether a participant is entitled to win a prize, as the ID

code of the present invention is used. The Examiner is correct that a UPC has two fields, a first that identifies the manufacturer and a second that identifies the product. However, and significantly, the second field is the same for each unit of a given product, and does not change from unit to unit. For example, the UPCs on all 16-ounce bottles of Diet Coke are identical, with the first field identifying the Coca-Cola company as the manufacturer and the second identifying the item as a 16-ounce bottle of Diet Coke. If that UPC were used to determine whether a participant was a winner, then all 16-ounce bottles of Diet Coke would bear a winning code. Plainly, such a result is completely impractical, and therefore the UPC cannot possibly be used to determine winners.

In the present invention, in stark contrast, a product is provided with an ID code, and a determination is made as to whether a consumer is entitled to receive a prize on the basis of that ID code. That ID code is necessarily different than a UPC, since if the UPC were to be used to determine whether a consumer was entitled to receive a prize, then all purchasers of a given type of product (such as, for example, all purchasers of 16-ounce bottles of Diet Coke) would be winners.

Accordingly, for the reasons above, Applicants respectfully submit that the independent claims are plainly patentable over Walker, Lieberman, or their combination, and respectfully request the Examiner to remove the Section 102 rejections.

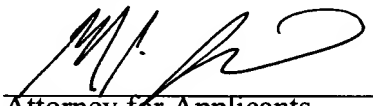
The remaining claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested and allowance of each are respectfully requested.

CONCLUSION

This Amendment After Final Action is believed to place clearly this application in a condition for allowance, and passage to issue is earnestly solicited. At the very least, this Amendment is an earnest effort to advance prosecution and reduce the number of issues, and its entry is believed proper under 37 C.F.R. § 1.116.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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